

23 JUN 1971

Text of Order Restraining Boston Globe

Special to The New York Times
BOSTON, June 22—Following is the text of an order issued today by the United States District Court restraining The Boston Globe from further publication of its Vietnam articles:

Plaintiff in this action has applied for a temporary restraining order to enjoin the publication by the defendant Globe Newspaper Company of the contents of certain documents, particularly excerpts from a 47-volume study entitled "History of U.S. Decision-Making Process on Vietnam Policy."

A hearing was held on plaintiff's application for a temporary restraining order on June 22, 1971. On the basis of the affidavit of Fred Buzhardt, general counsel for the Department of Defense, and of the allegation and the verified complaint, no evidence to the contrary having been offered, the court is satisfied that plaintiff's application for a temporary restraining order should issue pending a hearing on its application for a preliminary injunction, because it appears reasonably probable that immediate and irreparable injury will result to the plaintiff

and the national security before a hearing can be held on the application for a preliminary injunction.

The court is further satisfied, on the basis of the defendant newspaper's admission at the hearing, that the issuance of a temporary restraining order will not result in any substantial harm to the defendant newspaper. It also appears that the status quo must be preserved until the serious and substantial questions raised by plaintiff can be more fully litigated upon plaintiff's application for a preliminary injunction.

Therefore, it is ordered that, pending a hearing on the plaintiff's application for a preliminary injunction, the defendant Globe Newspaper Company its officers, agents, and employees, and all other persons acting in concert of participation with defendant Globe Newspaper Company, and each of them, be and they are hereby, restrained from publishing, disseminating, or disclosing all or any part of the following documents: a 47-volume study entitled "History of U.S. Decision-Making Process on Vietnam Policy," ... the internal documents from which

the aforementioned document was prepared and a one-volume "Command and Control Study of the Tonkin Gulf Incident," prepared in 1965 for the Joint Chiefs of Staff by the Weapons Systems Evaluation Group of the United States Department of Defense.

It is further ordered that the defendant newspaper, its officers, agents, and employees deliver to this court forthwith all the aforementioned documents and any copies excerpts, duplications, or other tangible evidence of such documents, to be held by this court pending further order of this court.

It is further ordered that the materials so delivered shall be impounded pending further order of this court.

It is further ordered that plaintiff's motion for preliminary injunction be, and the same hereby is, set for hearing in this court on Friday, June 25, 1971, at 10 o'clock A.M.; and

It is further ordered that the foregoing temporary restraining order shall expire on July 1, 1971, at 5 P.M. unless it is further extended by order of his court.

Issued at 6:30 P.M. this 2nd day of June, 1971.

(s) ANTHONY JULIAN
 U.S. DISTRICT JUDGE